

ESSB 5499 - H AMD

By Representative Hunt

1 Strike everything after the enacting clause and insert the
2 following:

3 "**Sec. 1.** RCW 29A.04.008 and 2004 c 271 s 102 are each amended
4 to read as follows:

5 As used in this title:

6 (1) "Ballot" means, as the context implies, either:

7 (a) The issues and offices to be voted upon in a jurisdiction
8 or portion of a jurisdiction at a particular primary, general
9 election, or special election;

10 (b) A facsimile of the contents of a particular ballot whether
11 printed on a paper ballot or ballot card or as part of a voting
12 machine or voting device;

13 (c) A physical or electronic record of the choices of an
14 individual voter in a particular primary, general election, or
15 special election; or

16 (d) The physical document on which the voter's choices are to
17 be recorded;

18 (2) "Paper ballot" means a piece of paper on which the ballot
19 for a particular election or primary has been printed, on which a
20 voter may record his or her choices for any candidate or for or
21 against any measure, and that is to be tabulated manually;

22 (3) "Ballot card" means any type of card or piece of paper of
23 any size on which a voter may record his or her choices for any
24 candidate and for or against any measure and that is to be
25 tabulated on a vote tallying system;

26 (4) "Sample ballot" means a printed facsimile of all the issues
27 and offices on the ballot in a jurisdiction and is intended to give
28 voters notice of the issues, offices, and candidates that are to be
29 voted on at a particular primary, general election, or special
30 election;

1 (5) "Provisional ballot" means a ballot issued (~~(to a voter)~~)
2 at the polling place on election day by the precinct election
3 board(~~(, for one of the following reasons)~~) to a voter who would
4 otherwise be denied an opportunity to vote a regular ballot, for
5 any reason authorized by the help America vote act, including but
6 not limited to the following:

7 (a) The voter's name does not appear in the poll book;

8 (b) There is an indication in the poll book that the voter has
9 requested an absentee ballot, but the voter wishes to vote at the
10 polling place;

11 (c) There is a question on the part of the voter concerning the
12 issues or candidates on which the voter is qualified to vote;

13 (d) Any other reason allowed by law;

14 (6) "Party ballot" means a primary election ballot specific to
15 a particular major political party that lists all partisan offices
16 to be voted on at that primary, and the candidates for those
17 offices who affiliate with that same major political party;

18 (7) "Nonpartisan ballot" means a primary election ballot that
19 lists all nonpartisan races and ballot measures to be voted on at
20 that primary.

21 **Sec. 2.** RCW 29A.04.530 and 2003 c 111 s 151 are each amended
22 to read as follows:

23 The secretary of state shall:

24 (1) Establish and operate, or provide by contract, training and
25 certification programs for state and county elections
26 administration officials and personnel, including training on the
27 various types of election law violations and discrimination, and
28 training programs for political party observers which conform to
29 the rules for such programs established under RCW 29A.04.630;

30 (2) Establish guidelines, in consultation with state and local
31 law enforcement or certified document examiners, for signature
32 verification processes. All election personnel assigned to verify
33 signatures must receive training on the guidelines;

34 (3) Administer tests for state and county officials and
35 personnel who have received such training and issue certificates to
36 those who have successfully completed the training and passed such
37 tests;

1 ((+3+)) (4) Maintain a record of those individuals who have
2 received such training and certificates; and

3 ((+4+)) (5) Provide the staffing and support services required
4 by the board created under RCW 29A.04.510.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 29A.36
6 RCW to read as follows:

7 All provisional ballots must be visually distinguishable from
8 the other ballots and must be either:

9 (1) Printed on colored paper; or

10 (2) Imprinted with a bar code for the purpose of identifying
11 the ballot as a provisional ballot. The bar code must not identify
12 the voter.

13 Provisional ballots must be incapable of being tabulated by
14 poll-site counting devices.

15 **Sec. 4.** RCW 29A.40.091 and 2004 c 271 s 135 are each amended
16 to read as follows:

17 The county auditor shall send each absentee voter a ballot, a
18 security envelope in which to seal the ballot after voting, a
19 larger envelope in which to return the security envelope, and
20 instructions on how to mark the ballot and how to return it to the
21 county auditor. The instructions that accompany an absentee ballot
22 for a partisan primary must include instructions for voting the
23 applicable ballot style, as provided in chapter 29A.36 RCW. The
24 absentee voter's name and address must be printed on the larger
25 return envelope, which must also contain a declaration by the
26 absentee voter reciting his or her qualifications and stating that
27 he or she has not voted in any other jurisdiction at this election,
28 together with a summary of the penalties for any violation of any
29 of the provisions of this chapter. The declaration must clearly
30 inform the voter that it is illegal to vote if he or she is not a
31 United States citizen; it is illegal to vote if he or she has been
32 convicted of a felony and has not had his or her voting rights
33 restored; and, except as otherwise provided by law, it is illegal
34 to cast a ballot or sign an absentee envelope on behalf of another
35 voter. The return envelope must provide space for the voter to
36 indicate the date on which the ballot was voted and for the voter
37 to sign the oath. It must also contain a space that the voter may

1 include a telephone number. A summary of the applicable penalty
2 provisions of this chapter must be printed on the return envelope
3 immediately adjacent to the space for the voter's signature. The
4 signature of the voter on the return envelope must affirm and
5 attest to the statements regarding the qualifications of that voter
6 and to the validity of the ballot. The return envelope must also
7 have a secrecy flap that the voter may seal that will cover the
8 voter's signature and optional telephone number. For out-of-state
9 voters, overseas voters, and service voters, the signed declaration
10 on the return envelope constitutes the equivalent of a voter
11 registration for the election or primary for which the ballot has
12 been issued. The voter must be instructed to either return the
13 ballot to the county auditor by whom it was issued or attach
14 sufficient first class postage, if applicable, and mail the ballot
15 to the appropriate county auditor no later than the day of the
16 election or primary for which the ballot was issued.

17 If the county auditor chooses to forward absentee ballots, he
18 or she must include with the ballot a clear explanation of the
19 qualifications necessary to vote in that election and must also
20 advise a voter with questions about his or her eligibility to
21 contact the county auditor. This explanation may be provided on
22 the ballot envelope, on an enclosed insert, or printed directly on
23 the ballot itself. If the information is not included, the
24 envelope must clearly indicate that the ballot is not to be
25 forwarded and that return postage is guaranteed.

26 **Sec. 5.** RCW 29A.40.110 and 2003 c 111 s 1011 are each amended
27 to read as follows:

28 (1) The opening and subsequent processing of return envelopes
29 for any primary or election may begin (~~on or after the tenth day~~
30 ~~before the primary or election~~) upon receipt. The tabulation of
31 absentee ballots must not commence until after 8:00 p.m. on the day
32 of the primary or election.

33 (2) All received absentee return envelopes must be placed in
34 secure locations from the time of delivery to the county auditor
35 until their subsequent opening. After opening the return
36 envelopes, the county canvassing board shall place all of the
37 ballots in secure storage until after 8:00 p.m. of the day of the
38 primary or election. Absentee ballots that are to be tabulated on

1 an electronic vote tallying system may be taken from the inner
2 envelopes and all the normal procedural steps may be performed to
3 prepare these ballots for tabulation.

4 (3) Before opening a returned absentee ballot, the canvassing
5 board, or its designated representatives, shall examine the
6 postmark, statement, and signature on the return envelope that
7 contains the security envelope and absentee ballot. They shall
8 verify that the voter's signature on the return envelope is the
9 same as the signature of that voter in the registration files of
10 the county. For registered voters casting absentee ballots, the
11 date on the return envelope to which the voter has attested
12 determines the validity, as to the time of voting for that absentee
13 ballot if the postmark is missing or is illegible. For out-of-
14 state voters, overseas voters, and service voters stationed in the
15 United States, the date on the return envelope to which the voter
16 has attested determines the validity as to the time of voting for
17 that absentee ballot. For any absentee ballot, a variation between
18 the signature of the voter on the return envelope and the signature
19 of that voter in the registration files due to the substitution of
20 initials or the use of common nicknames is permitted so long as the
21 surname and handwriting are clearly the same.

22 NEW SECTION. Sec. 6. A new section is added to chapter 29A.44
23 RCW to read as follows:

24 Provisional ballots must be issued, along with a provisional
25 ballot outer envelope and a security envelope, to voters as
26 appropriate under RCW 29A.04.008. The provisional ballot outer
27 envelope must include a place for the voter's name; registered
28 address, both present and former if applicable; date of birth;
29 reason for the provisional ballot; the precinct number and the
30 precinct polling location at which the voter has voted; and a space
31 for the county auditor to list the disposition of the provisional
32 ballot. The provisional ballot outer envelope must also contain a
33 declaration as required for absentee ballot outer envelopes under
34 RCW 29A.40.091; a place for the voter to sign the oath; and a
35 summary of the applicable penalty provisions of this chapter. The
36 voter shall vote the provisional ballot in secrecy and, when done,
37 place the provisional ballot in the security envelope, then place
38 the security envelope into the outer envelope, and return it to the

1 precinct election official. The election official shall ensure
2 that the required information is completed on the outer envelope,
3 have the voter sign it in the appropriate space, and place the
4 envelope in a secure container. The official shall then give the
5 voter written information advising the voter how to ascertain
6 whether the vote was counted and, if applicable, the reason why the
7 vote was not counted.

8 NEW SECTION. **Sec. 7.** A new section is added to chapter 29A.44
9 RCW to read as follows:

10 Any person desiring to vote at the polls at any primary or
11 election must provide identification to the election officer before
12 signing the poll book. The identification required in this section
13 may be satisfied by providing the following forms of identification
14 as chosen by the voter:

15 (1) A physical form of identification, which may be:

16 (a) An original or copy of a current and valid photo
17 identification with or without an address. The address is not
18 required to match the voter's voter identification card; or

19 (b) An original or copy of a utility bill, bank statement,
20 government check, paycheck, student identification card, tribal
21 identification card, or other government document that shows the
22 name and address of the person. The address is not required to
23 match the voter's voter identification card; or

24 (2) A verbal or written statement by the voter of the voter's
25 name, year of birth, and unique identifier as determined by the
26 secretary of state. The statement of the voter's name does not
27 need to contain the voter's middle initial or suffix.

28 (3) If the voter does not have identification and does not know
29 his or her unique identifier, he or she shall vote a provisional
30 ballot.

31 NEW SECTION. **Sec. 8.** A new section is added to chapter 29A.60
32 RCW to read as follows:

33 (1) If the voter neglects to sign the outside envelope of an
34 absentee or provisional ballot, the auditor shall notify the voter
35 by telephone and advise the voter of the correct procedures for
36 completing the unsigned affidavit. If the auditor is not able to
37 provide the information personally to the voter by telephone, then

1 the voter must be contacted by first class mail and advised of the
2 correct procedures for completing the unsigned affidavit. Leaving
3 a voice mail message for the voter is not to be considered as
4 personally contacting the voter. In order for the ballot to be
5 counted, the voter must either:

6 (a) Appear in person and sign the envelope no later than the
7 day before the certification of the primary or election; or

8 (b) Sign a copy of the envelope provided by the auditor, and
9 return it to the auditor no later than the day before the
10 certification of the primary or election.

11 (2)(a) If the handwriting of the signature on an absentee or
12 provisional ballot envelope is not the same as the handwriting of
13 the signature on the registration file, the auditor shall notify
14 the voter by telephone and advise the voter of the correct
15 procedures for updating his or her signature on the voter
16 registration file. If the auditor is not able to provide the
17 information personally to the voter by telephone, then the voter
18 must be contacted by first class mail and advised of the correct
19 procedures for completing the unsigned affidavit. Leaving a voice
20 mail message for the voter is not to be considered as personally
21 contacting the voter. In order for the ballot to be counted, the
22 voter must either:

23 (i) Appear in person and sign a new registration form no later
24 than the day before the certification of the primary or election;
25 or

26 (ii) Sign a copy of the affidavit provided by the auditor and
27 return it to the auditor no later than the day before the
28 certification of the primary or election. If the signature on the
29 copy of the affidavit does not match the signature on file, the
30 voter must appear in person and sign a new registration form no
31 later than the day before the certification of the primary or
32 election in order for the ballot to be counted.

33 (b) If the signature on an absentee or provisional ballot
34 envelope is not the same as the signature on the registration file
35 because the name is different, the ballot may be counted as long as
36 the handwriting is clearly the same. The auditor shall send the
37 voter a change-of-name form under RCW 29A.08.440 and direct the
38 voter to complete the form.

1 (c) If the signature on an absentee or provisional ballot
2 envelope is not the same as the signature on the registration file
3 because the voter used initials or a common nickname, the ballot
4 may be counted as long as the surname and handwriting are clearly
5 the same.

6 (3) A voter may not cure a missing or mismatched signature for
7 purposes of counting the ballot in a recount.

8 (4) A record must be kept of all ballots with missing and
9 mismatched signatures. The record must contain the date on which
10 the voter was contacted or the notice was mailed, as well as the
11 date on which the voter signed the envelope, a copy of the
12 envelope, a new registration form, or a change-of-name form. That
13 record is a public record under chapter 42.17 RCW and may be
14 disclosed to interested parties on written request.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 29A.60
16 RCW to read as follows:

17 Before certification of the primary or election, the county
18 auditor must examine and investigate all received provisional
19 ballots to determine whether the ballot can be counted. The
20 auditor shall provide the disposition of the provisional ballot
21 and, if the ballot was not counted, the reason why it was not
22 counted, on a free access system such as a toll-free telephone
23 number, web site, mail, or other means. The auditor must notify
24 the voter in accordance with section 7 of this act when the
25 envelope is unsigned or when the signatures do not match.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter
27 29A.60 RCW to read as follows:

28 (1) The county auditor shall prepare, make publicly available
29 at the auditor's office or on the auditor's web site, and submit at
30 the time of certification an election reconciliation report that
31 discloses the following information:

- 32 (a) The number of registered voters;
- 33 (b) The number of ballots counted;
- 34 (c) The number of provisional ballots issued;
- 35 (d) The number of provisional ballots counted;
- 36 (e) The number of provisional ballots rejected;
- 37 (f) The number of absentee ballots issued;

- 1 (g) The number of absentee ballots counted;
- 2 (h) The number of absentee ballots rejected;
- 3 (i) The number of federal write-in ballots counted;
- 4 (j) The number of out-of-state, overseas, and service ballots
- 5 issued;
- 6 (k) The number of out-of-state, overseas, and service ballots
- 7 counted; and
- 8 (l) The number of out-of-state, overseas, and service ballots
- 9 rejected.

10 (2) The county auditor shall prepare and make publicly
11 available at the auditor's office or on the auditor's web site
12 within thirty days of certification a final election reconciliation
13 report that discloses the following information:

- 14 (a) The number of registered voters;
- 15 (b) The total number of voters credited with voting;
- 16 (c) The number of poll voters credited with voting;
- 17 (d) The number of provisional voters credited with voting;
- 18 (e) The number of absentee voters credited with voting;
- 19 (f) The number of federal write-in voters credited with voting;
- 20 (g) The number of out-of-state, overseas, and service voters
- 21 credited with voting;
- 22 (h) The total number of voters credited with voting even though
- 23 their ballots were postmarked after election day and were not
- 24 counted; and
- 25 (i) Any other information the auditor deems necessary to
- 26 reconcile the number of ballots counted with the number of voters
- 27 credited with voting.

28 (3) The county auditor may also prepare such reports for
29 jurisdictions located, in whole or in part, in the county.

30 **Sec. 11.** RCW 29A.60.021 and 2004 c 271 s 147 are each amended
31 to read as follows:

32 (1) For any office at any election or primary, any voter may
33 write in on the ballot the name of any person for an office who has
34 filed as a write-in candidate for the office in the manner provided
35 by RCW 29A.24.311 and such vote shall be counted the same as if the
36 name had been printed on the ballot and marked by the voter. ~~((For~~
37 ~~a partisan primary in a jurisdiction using the physically separate~~
38 ~~ballot format, a voter may write in on a party ballot only the~~

1 ~~names of write-in candidates who affiliate with that major~~
2 ~~political party.))~~ No write-in vote made for any person who has
3 not filed a declaration of candidacy pursuant to RCW 29A.24.311 is
4 valid if that person filed for the same office, either as a regular
5 candidate or a write-in candidate, at the preceding primary. Any
6 abbreviation used to designate office(~~()~~) or position(~~(or~~
7 ~~political party shall))~~ will be accepted if the canvassing board
8 can determine, to (~~(their))~~ its satisfaction, the voter's intent.

9 (2) The number of write-in votes cast for each office must be
10 recorded and reported with the canvass for the election.

11 (3) A write-in vote for an individual candidate for an office
12 whose name appears on the ballot for that same office is a valid
13 vote for that candidate as long as the candidate's name is clearly
14 discernible, even if other requirements of RCW 29A.24.311 are not
15 satisfied and even if the voter also marked a vote for that
16 candidate such as to register an over vote. These votes need not
17 be tabulated unless: (a) The difference between the number of
18 votes cast for the candidate apparently qualified to appear on the
19 general election ballot or elected and the candidate receiving the
20 next highest number of votes is less than the sum of the total
21 number of write-in votes cast for the office plus the over votes
22 and under votes recorded by the vote tabulating system; or (b) a
23 manual recount is conducted for that office.

24 (4) Write-in votes cast for an individual candidate for an
25 office whose name does not appear on the ballot need not be tallied
26 (~~(if))~~ unless the total number of write-in votes and under votes
27 recorded by the vote tabulation system for the office is (~~(not))~~
28 greater than the number of votes cast for the candidate apparently
29 (~~(nominated))~~ qualified to appear on the general election ballot or
30 elected(~~(, and the write-in votes could not have altered the~~
31 outcome of the primary or election. In the case of write-in votes
32 for statewide office or for any office whose jurisdiction
33 encompasses more than one county, write-in votes for an individual
34 candidate must be tallied whenever the county auditor is notified
35 by either the office of the secretary of state or another auditor
36 in a multicounty jurisdiction that it appears that the write-in
37 votes could alter the outcome of the primary or election)).

38 (~~((+4))~~) (5) In the case of write-in votes for a statewide
39 office(~~(s))~~ or any office whose jurisdiction(~~(s that))~~ encompasses

1 more than one county, (~~(if the total number of write-in votes and~~
2 ~~under votes recorded by the vote tabulation system for an office~~
3 ~~within a county is greater than the number of votes cast for a~~
4 ~~candidate apparently nominated or elected in a primary or election,~~
5 ~~the auditor shall tally all write-in votes for individual~~
6 ~~candidates for that office and notify the office of the secretary~~
7 ~~of state and the auditors of the other counties within the~~
8 ~~jurisdiction, that the write-in votes for individual candidates~~
9 ~~should be tallied)) write-in votes for an individual candidate must
10 be tallied when the county auditor is notified by either the
11 secretary of state or another county auditor in the multicounty
12 jurisdiction that it appears that the write-in votes must be
13 tabulated under the terms of this section. In all other cases, the
14 county auditor determines when write-in votes must be tabulated.
15 Any abstract of votes must be modified to reflect the tabulation
16 and certified by the canvassing board. Tabulation of write-in
17 votes may be performed simultaneously with a recount.~~

18 **Sec. 12.** RCW 29A.60.050 and 2003 c 111 s 1505 are each amended
19 to read as follows:

20 Whenever the precinct election officers or the counting center
21 personnel have a question about the validity of a ballot or the
22 votes for an office or issue that they are unable to resolve, they
23 shall prepare and sign a concise record of the facts in question or
24 dispute. These ballots shall be delivered to the canvassing board
25 for processing. A ballot is not considered rejected until the
26 canvassing board has rejected the ballot individually, or the
27 ballot was included in a batch or on a report of ballots that was
28 rejected in its entirety by the canvassing board. All ballots
29 shall be preserved in the same manner as valid ballots for that
30 primary or election.

31 **Sec. 13.** RCW 29A.60.070 and 2003 c 111 s 1507 are each amended
32 to read as follows:

33 The county auditor shall produce cumulative and precinct
34 returns for each primary and election and deliver them to the
35 canvassing board for verification and certification. The precinct
36 and cumulative returns of any primary or election are public
37 records under chapter 42.17 RCW.

1 Cumulative returns for state offices, judicial offices, the
2 United States senate, and congress must be electronically
3 transmitted to the secretary of state immediately.

4 **Sec. 14.** RCW 29A.60.160 and 2003 c 111 s 1516 are each amended
5 to read as follows:

6 ~~((At least every third day after a primary or election and~~
7 ~~before certification of the election results,)) Except Sundays and
8 legal holidays, the county auditor, as delegated by the county
9 canvassing board, shall process absentee ballots and canvass the
10 votes cast at that primary or election on a daily basis in counties
11 with a population of seventy-five thousand or more, or at least
12 every third day for counties with a population of less than
13 seventy-five thousand, if the county auditor is in possession of
14 more than twenty-five ballots that have yet to be canvassed. The
15 county auditor, as delegated by the county canvassing board, may
16 use his or her discretion in determining when to process the
17 remaining absentee ballots and canvass the votes during the final
18 four days before the certification of election results in order to
19 protect the secrecy of any ballot. In counties where this process
20 has not been delegated to the county auditor, the county auditor
21 shall convene the county canvassing board to process absentee
22 ballots and canvass the votes cast at the primary or election as
23 set forth in this section.~~

24 Each absentee ballot previously not canvassed that was received
25 by the county auditor two days or more before processing absentee
26 ballots and canvassing the votes as delegated by or processed by
27 the county canvassing board, that either was received by the county
28 auditor before the closing of the polls on the day of the primary
29 or election for which it was issued, or that bears a postmark on or
30 before the primary or election for which it was issued, must be
31 processed at that time. The tabulation of votes that results from
32 that day's canvass must be made available to the general public
33 immediately upon completion of the canvass.

34 **Sec. 15.** RCW 29A.60.190 and 2004 c 266 s 18 are each amended
35 to read as follows:

36 (1) ~~((On the tenth day after a special election or primary and~~
37 ~~on the fifteenth day)) Ten days after a primary or special election~~

1 and twenty-one days after a general election, the county canvassing
2 board shall complete the canvass and certify the results. Each
3 absentee ballot that was returned before the closing of the polls
4 on the date of the primary or election for which it was issued, and
5 each absentee ballot with a postmark on or before the date of the
6 primary or election for which it was issued and received on or
7 before the date on which the primary or election is certified, must
8 be included in the canvass report.

9 (2) At the request of a caucus of the state legislature, the
10 county auditor shall transmit copies of all unofficial returns of
11 state and legislative primaries or elections prepared by or for the
12 county canvassing board to either the secretary of the senate or
13 the chief clerk of the house of representatives.

14 **Sec. 16.** RCW 29A.60.210 and 2003 c 111 s 1521 are each amended
15 to read as follows:

16 Whenever the canvassing board finds during the initial counting
17 process, or during any subsequent recount thereof, that there is an
18 apparent discrepancy or an inconsistency in the returns of a
19 primary or election, or that election staff has made an error
20 regarding the treatment or disposition of a ballot, the board may
21 recanvass the ballots or voting devices in any precincts of the
22 county. The canvassing board shall conduct any necessary recanvass
23 activity on or before the last day to certify or recertify the
24 results of the primary ((or)), election, or subsequent recount and
25 correct any error and document the correction of any error that it
26 finds.

27 **Sec. 17.** RCW 29A.60.250 and 2003 c 111 s 1525 are each amended
28 to read as follows:

29 As soon as the returns have been received from all the counties
30 of the state, but not later than the thirtieth day after the
31 election, the secretary of state shall ~~((make a))~~ canvass ~~((of such~~
32 ~~of the returns as are not required to be canvassed by the~~
33 ~~legislature and make out a statement thereof, file it in his or her~~
34 ~~office, and transmit a certified copy to the governor))~~ and certify
35 the returns of the general election as to candidates for state
36 offices, the United States senate, congress, and all other
37 candidates whose districts extend beyond the limits of a single

1 county. The secretary of state shall transmit a copy of the
2 certification to the governor, president of the senate, and speaker
3 of the house of representatives.

4 **Sec. 18.** RCW 29A.64.021 and 2004 c 271 s 178 are each amended
5 to read as follows:

6 (1) If the official canvass of all of the returns for any
7 office at any primary or election reveals that the difference in
8 the number of votes cast for a candidate apparently nominated or
9 elected to any office and the number of votes cast for the closest
10 apparently defeated opponent is less than two thousand votes and
11 also less than one-half of one percent of the total number of votes
12 cast for both candidates, the county canvassing board shall conduct
13 a recount of all votes cast on that position.

14 (a) Whenever such a difference occurs in the number of votes
15 cast for candidates for a position the declaration of candidacy for
16 which was filed with the secretary of state, the secretary of state
17 shall, within three business days of the day that the returns of
18 the primary or election are first certified by the canvassing
19 boards of those counties, direct those boards to recount all votes
20 cast on the position.

21 (b)(i) For statewide elections, if the difference in the number
22 of votes cast for the apparent winner and the closest apparently
23 defeated opponent is less than one (~~hundred fifty~~) thousand votes
24 and also less than one-fourth of one percent of the total number of
25 votes cast for both candidates, the votes shall be recounted
26 manually or as provided in subsection (3) of this section.

27 (ii) For elections not included in (b)(i) of this subsection,
28 if the difference in the number of votes cast for the apparent
29 winner and the closest apparently defeated opponent is less than
30 one hundred fifty votes and also less than one-fourth of one
31 percent of the total number of votes cast for both candidates, the
32 votes shall be recounted manually or as provided in subsection (3)
33 of this section.

34 (2) A mandatory recount shall be conducted in the manner
35 provided by RCW 29A.64.030, 29A.64.041, and 29A.64.061. No cost of
36 a mandatory recount may be charged to any candidate.

37 (3) The apparent winner and closest apparently defeated
38 opponent for an office for which a manual recount is required under

1 subsection (1)(b) of this section may select an alternative method
2 of conducting the recount. To select such an alternative, the two
3 candidates shall agree to the alternative in a signed, written
4 statement filed with the election official for the office. The
5 recount shall be conducted using the alternative method if: It is
6 suited to the balloting system that was used for casting the votes
7 for the office; it involves the use of a vote tallying system that
8 is approved for use in this state by the secretary of state; and
9 the vote tallying system is readily available in each county
10 required to conduct the recount. If more than one balloting system
11 was used in casting votes for the office, an alternative to a
12 manual recount may be selected for each system.

13 **Sec. 19.** RCW 29A.64.030 and 2003 c 111 s 1603 are each amended
14 to read as follows:

15 An application for a recount shall state the office for which
16 a recount is requested and whether the request is for all or only
17 a portion of the votes cast in that jurisdiction of that office.
18 The person filing an application for a manual recount shall, at the
19 same time, deposit with the county canvassing board or secretary of
20 state, in cash or by certified check, a sum equal to twenty-five
21 cents for each ballot cast in the jurisdiction or portion of the
22 jurisdiction for which the recount is requested as security for the
23 payment of any costs of conducting the recount. If the application
24 is for a machine recount, the deposit must be equal to fifteen
25 cents for each ballot. These charges shall be determined by the
26 county canvassing board or boards under RCW ~~((29A.64.080))~~
27 29A.64.081.

28 The county canvassing board shall determine ~~((a))~~ the date,
29 time, and ~~((a))~~ place or places at which the recount will be
30 conducted. ~~((This time shall be less than three business days
31 after the day upon which: The application was filed with the
32 board; the request for a recount or directive ordering a recount
33 was received by the board from the secretary of state; or the
34 returns are certified which indicate that a recount is required
35 under RCW 29A.64.020 for an issue or office voted upon only within
36 the county.))~~ Not less than two days before the date of the
37 recount, the county auditor shall mail a notice of the time and
38 place of the recount to the applicant or affected parties and, if

1 the recount involves an office, to any person for whom votes were
2 cast for that office. The county auditor shall also notify the
3 affected parties by either telephone, fax, e-mail, or other
4 electronic means at the time of mailing. At least three attempts
5 must be made over a two-day period to notify the affected parties
6 or until the affected parties have received the notification. Each
7 attempt to notify affected parties must request a return response
8 indicating that the notice has been received. Each person entitled
9 to receive notice of the recount may attend, witness the recount,
10 and be accompanied by counsel.

11 Proceedings of the canvassing board are public under chapter
12 42.30 RCW. Subject to reasonable and equitable guidelines adopted
13 by the canvassing board, all interested persons may attend and
14 witness a recount.

15 **Sec. 20.** RCW 29A.64.061 and 2004 c 271 s 180 are each amended
16 to read as follows:

17 Upon completion of the canvass of a recount, the canvassing
18 board shall prepare and certify an amended abstract showing the
19 votes cast in each precinct for which the recount was conducted.
20 Copies of the amended abstracts must be transmitted to the same
21 officers who received the abstract on which the recount was based.

22 If the nomination, election, or issue for which the recount was
23 conducted was submitted only to the voters of a county, the
24 canvassing board shall file the amended abstract with the original
25 results of that election or primary.

26 If the nomination, election, or issue for which a recount was
27 conducted was submitted to the voters of more than one county, the
28 secretary of state shall canvass the amended abstracts and shall
29 file an amended abstract with the original results of that
30 election. The secretary of state may require that the amended
31 abstracts be certified by each canvassing board on a uniform date.
32 An amended abstract certified under this section supersedes any
33 prior abstract of the results for the same offices or issues at the
34 same primary or election.

35 **Sec. 21.** RCW 29A.68.011 and 2004 c 271 s 182 are each amended
36 to read as follows:

1 Any justice of the supreme court, judge of the court of
2 appeals, or judge of the superior court in the proper county shall,
3 by order, require any person charged with error, wrongful act, or
4 neglect to forthwith correct the error, desist from the wrongful
5 act, or perform the duty and to do as the court orders or to show
6 cause forthwith why the error should not be corrected, the wrongful
7 act desisted from, or the duty or order not performed, whenever it
8 is made to appear to such justice or judge by affidavit of an
9 elector that:

10 (1) An error or omission has occurred or is about to occur in
11 printing the name of any candidate on official ballots; or

12 (2) An error other than as provided in subsections (1) and (3)
13 of this section has been committed or is about to be committed in
14 printing the ballots; or

15 (3) The name of any person has been or is about to be
16 wrongfully placed upon the ballots; or

17 (4) A wrongful act other than as provided for in subsections
18 (1) and (3) of this section has been performed or is about to be
19 performed by any election officer; or

20 (5) Any neglect of duty on the part of an election officer
21 other than as provided for in subsections (1) and (3) of this
22 section has occurred or is about to occur; or

23 (6) An error or omission has occurred or is about to occur in
24 the issuance of a certificate of election.

25 An affidavit of an elector under subsections (1) and (3)
26 (~~(above)~~) of this section when relating to a primary election must
27 be filed with the appropriate court no later than the second Friday
28 following the closing of the filing period for nominations for such
29 office and shall be heard and finally disposed of by the court not
30 later than five days after the filing thereof. An affidavit of an
31 elector under subsections (1) and (3) of this section when relating
32 to a general election must be filed with the appropriate court no
33 later than three days following the official certification of the
34 primary election returns and shall be heard and finally disposed of
35 by the court not later than five days after the filing thereof. An
36 affidavit of an elector under subsection (6) of this section shall
37 be filed with the appropriate court no later than ten days
38 following the (~~issuance of a certificate of election~~) official
39 certification of the election as provided in RCW 29A.60.190,

1 29A.60.240, or 29A.60.250 or, in the case of a recount, ten days
2 after the official certification of the amended abstract as
3 provided in RCW 29A.64.061.

4 NEW SECTION. Sec. 22. A new section is added to chapter
5 29A.84 RCW to read as follows:

6 A person who knowingly destroys, alters, defaces, conceals, or
7 discards a completed voter registration form or signed absentee or
8 provisional ballot signature affidavit is guilty of a gross
9 misdemeanor. This section does not apply to (1) the voter who
10 completed the voter registration form, or (2) a county auditor or
11 registration assistant who acts as authorized by voter registration
12 law.

13 **Sec. 23.** RCW 29A.84.650 and 2003 c 111 s 2131 are each amended
14 to read as follows:

15 (1) Any person who intentionally votes or attempts to vote in
16 this state more than once at any ((primary or general or special))
17 election, or who intentionally votes or attempts to vote in both
18 this state and another state at any election, is guilty of a gross
19 misdemeanor, punishable to the same extent as a gross misdemeanor
20 that is punishable under RCW 9A.20.021.

21 (2) Any person who recklessly or negligently violates this
22 section commits a class 1 civil infraction as provided in RCW
23 7.80.120."

24 NEW SECTION. Sec. 24. This act takes effect January 1, 2006."

25 Correct the title.

EFFECT: The amendment removed the following provisions:

- (1) Election reviews;
- (2) Random investigations of county registration lists with the statewide list;
- (3) The date for filing declarations of candidacy;
- (4) Allowing absentee ballots of service members to be counted if the ballots were received by service voters after the date of the election;
- (5) Showing identification at the polls;

- (6) Duplication of ballots (thereby prohibiting ballot enhancement);
- (7) Motor voter registration changes; and
- (8) Absentee ballots must be counted in order for the voter to be credited with voting.

One of the two provisions regarding provisional ballot designs is also removed.

The amendment allows the Secretary of State to consult with certified document examiners, as well as with state and local law enforcement, for establishing guidelines for signature verification processes.

The county auditor is required to telephone the voter to advise of the procedures to correct an unsigned absentee or provisional ballot envelope or mismatched signatures. If the voter cannot be reached by phone, he or she must be contacted by first class mail. A voice mail message is not considered as "personally contacting the voter."

Records kept for tracking missing and mismatched signatures are public records and disc loadable upon written request.

A provision is added to require poll site voters to show identification or verbally state name, year of birth, and the unique identifier to an election official before signing the poll book.

Except for Sundays and legal holidays, counties with a population of 75,000 or more are required to canvass the vote on a daily basis and counties with less than 75,000 population must canvass at least every third day.

Requires the auditor to submit an election reconciliation report at the time of certification that includes information on the number of registered voters, and the numbers of ballots counted, provisional, absentee, and federal write-in, out-of-state, overseas, and service ballots issued, counted, and rejected. Within 30 days of certification, the auditor must make available a final election certification report that details the number of registered voters, the number of voters credited with voting for these same ballot types, the number of voters credited with voting whose ballots were postmarked after election day, and any other information necessary to reconcile the number of ballots counted with the number of voters credited with voting. The auditor may also prepare similar reports for jurisdictions located, in whole or in part, in the county.

The provision changing certification of the general election to 20 days after the election is changed to 21 days.

The crime of knowingly destroying, altering, defacing, concealing, or discarding a completed voter registration form or signed absentee or provisional ballot signature affidavit is changed from a class C felony to a gross misdemeanor. The crime of intentionally or knowingly double-voting is changed from a class C felony to a gross misdemeanor. The provision that adds

a crime for being registered to vote in more than one state is removed.

The effective date of the entire act is January 1, 2006.